

Mark G. Ledwin, Esq.
Marc J. Gross, Esq.
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for Plaintiffs
1133 Westchester Avenue
White Plains, NY 10604-3407
Tel: (914) 872-7148
Fax: (914) 323-7001
[Email: mark.ledwin@wilsonelser.com](mailto:mark.ledwin@wilsonelser.com)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

HARTFORD FIRE INSURANCE)
COMPANY, TRUMBULL INSURANCE) Case No. 21-cv-02929
COMPANY, HARTFORD CASUALTY)
INSURANCE COMPANY and TWIN CITY)
FIRE INSURANCE COMPANY,)
)
Plaintiffs,)
v.)
)
MOLDCABLE, INC.)
Defendant.)
)

**PLAINTIFFS' MOTION FOR CLERK'S ENTRY OF
DEFAULT JUDGMENT IN A SUM CERTAIN PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 55(b)**

TO THE CLERK OF THE COURT:

Plaintiffs Hartford Fire Insurance Company, Trumbull Insurance Company, Hartford Casualty Insurance Company and the Twin City Fire Insurance Company (collectively, "Plaintiffs" or "The Hartford"), by and through their undersigned attorneys, hereby request that the Clerk of this Court enter a default judgment in a sum certain against Defendant Moldcable,

Inc. (“Defendant”), pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, and respectfully state as follows:

1. On May 24, 2021, Plaintiffs filed their Complaint asserting claims for breach of contract and account stated against Defendant and seeking to recover the sum certain of \$161,341.43 for unpaid insurance premiums. [ECF No. 1.]
2. Plaintiffs served the Summons and Complaint on Defendant through the New York Secretary of State on June 29, 2021, as evidenced by the Affidavit of Service filed on July 1, 2021. [ECF No. 7].
3. Pursuant to Federal Rules of Civil Procedure Rule 12(a)(1)(A)(i), Defendant was required to serve and file an answer or otherwise respond to the Complaint by July 20, 2021.
4. Defendant failed to timely answer or otherwise respond to the Complaint, and also failed to appear in this action.
5. On August 20, 2021, the Clerk of this Court entered a default against Defendant. [ECF No. 12].
6. Defendant Moldcable, Inc. is a business corporation and therefore is not a minor or incompetent person. Further, as a business corporation, defendant Moldcable, Inc., is not subject to the Soldiers’ and Sailors’ Civil Relief Act of 1940.
7. Rule 55(b)(1) of the Federal Rules of Civil Procedure states as follows:

(b) *Entering a Default Judgment.*

(1) *By the Clerk.* If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk – on the plaintiff’s request, with an affidavit showing the amount due – must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent.

Fed. R. Civ. P. 55(b)(1).

8. As more fully set forth in the Complaint and the Exhibits annexed thereto, and in the Declaration of Michele Moran submitted herewith, the sum certain due and owing to Plaintiffs by Defendant is \$161,341.43. *See* Moran Declaration, Exhibit B (Invoice).

WHEREFORE, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiffs Hartford Fire Insurance Company, Trumbull Insurance Company, Hartford Casualty Insurance Company and the Twin City Fire Insurance Company, respectfully request that the Clerk of this Court enter a Default Judgment against Defendant Moldcable, Inc., in the sum certain of \$161,341.43.

Dated: White Plains, New York
September 22, 2021

Respectfully submitted,

**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /s/ Marc J. Gross
Mark G. Ledwin
Marc J. Gross
1133 Westchester Avenue
White Plains, New York 10604
Telephone: (914) 323-7000
Facsimile: (914) 323-7001
Email: Mark.Ledwin@wilsonelser.com
Marc.Gross@wilsonelser.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Marc J. Gross, an attorney duly admitted to practice before this Court, hereby certifies that on the 22nd day of September, 2021, I caused true and correct copies of the foregoing pleading to be served by first class U.S. mail, postage prepaid, upon Defendant at the address listed below:

Moldcable, Inc
1820 East 13th Street, #2s
Brooklyn, New York 11229
Attention: President

Moldcable, Inc
5 Washington St., Suite 300
Valparaiso, IN 46383

Dated: White Plains, New York
September 22, 2021

/s/ Marc J. Gross
Marc J. Gross, Esq.